THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.4673 OF 2006

DATED: 29TH SEPTEMBER, 2006.

Between :

1. Farooq Ahmed and another. … Petitioners

And

1. The Superintendent of Area Hospital, Bhainsa, Adilabad District and 3 others. .. Respondents

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WRIT PETITION NO.4673 OF 2006

ORDER :

This writ petition is filed seeking a direction to the 1st respondent not to interfere with the business of the petitioners and a further direction to remove the illegal constructions allegedly going on inside the Western gate of Government Area Hospital, Bhainsa. The petitioners stated that they are petty vendors who have been carrying on their business outside the compound wall of Government Area Hospital in Bhainsa town, with the permission granted by the Bhainsa Municipality. It is alleged that the 1st respondent – Superintendent of Government Area Hospital, Bhainsa, having proposed construction of certain structures inside the Western gate of Government Area Hospital for the purpose of locating a medical shop, started interfering with the business of the petitioners and attempted to evict them. Hence, this writ petition with the above prayer.

The 1st respondent filed a counter-affidavit on behalf of the respondents 1 to 3 in which the fact that the petitioners are running their business outside the Government Area Hospital has not been disputed. It is further stated that the Hospital Development Society in its meeting held on 7-1-2006 had resolved to construct one room near the main gate of hospital and accordingly ordered the 1st respondent to take permission from the 3rd respondent. In pursuance thereof, the 1st respondent addressed a letter dated 10-2-2006 requesting the 3rd

respondent to accord permission for construction of room in the premises. It is stated that a donor has come forward to construct the said room and since it is in the interest of the public, the Hospital Development Society resolved and decided to construct the said room. It is further stated that the shops run by the petitioners are in no way connected with the proposed construction since they are situated outside the compound wall of the Government Area Hospital. The counter-affidavit further shows that pursuant to the letter addressed by the 1st respondent, the matter is under consideration by the 3rd respondent and the decision is likely to be taken shortly. The Chairman of the Hospital Development Society has also decided that the construction would be subject to further orders from the 3rd respondent.

In the light of the counter-affidavit filed on behalf of the respondents 1 to 3, it is clear that the shops of the petitioners are situated outside the compound wall of the Government Area Hospital and do not cause any obstruction to the proposed construction of room within the Government Area Hospital. The respondents while admitting the said fact, categorically stated that they are not interfering with the business of the petitioners in any manner whatsoever.

Hence, the statement of the respondents that they are not interfering with the business of the petitioners is placed on record and the writ petition is disposed of granting liberty to the respondents to proceed with the constructions inside the Government Hospital Area subject to orders from the 3rd respondent.

Writ Petition is accordingly disposed of. No costs.

It is made clear that the respondents shall not interfere with the shops of the petitioners without following due process of law.

G. ROHINI, J.

Dt. 29-09-2006
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